

REMARKS

Claims 1, 10-22, and 31-36 are all the claims pending in the present application.

Claims 17-19 are still indicated as containing allowable subject matter.

Objections

Applicants submit herewith Replacement Drawings for Figures 2 and 3. In these amended figures, the legend “Related Art” has been added.

Furthermore, Applicants note that the Examiner objected to the drawings as allegedly not showing the features of each and every feature of the invention reflected in the claims. Applicants submit herewith a proposed new drawing which Applicants believe reflect the features of the invention reflected in claim 17-19. If the Examiner finds this proposed new drawing to be acceptable, Applicants will officially submit this drawing as a new drawing and appropriately amend the specification to reflect its addition.

If the Examiner does not find this proposed drawing to be acceptable, Applicants respectfully request the Examiner to contact the undersigned to further discuss this matter.

§ 103(a) Rejections

Applicants thank the Examiner for withdrawing the previous rejections. However, the Examiner now applies a new reference to support the current rejections. Specifically, the Examiner has applied new reference Gunnarsson et al. (US Patent Application Publication No. 2003/0202490) in addition to the previously supplied references to support the claim rejections.

Claims 1, 10-14, 16 and 35-36 are now rejected under 35 U.S.C. § 103(a) as being unpatentable over Alcatel in view of Van Lieshout and Gunnarsson et al. (US Pg Pub 2003/0202490), hereinafter referred to as Gunnarsson.

Claim 15 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Alcatel in view of Van Lieshout and Gunnarsson as applied to claim 11 above, and further in view of Kim.

Claims 20-22 and 31-34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Van Lieshout in view of Alcatel.

In the current Office Action on page 5, the Examiner acknowledges that the Alcatel reference and Van Lieshout do not disclose a base station that manages an uplink. The Examiner, however, applies Gunnarsson to allegedly make up for the deficiencies of the other applied references. In the Office Action, the Examiner cites to numbered paragraph 50 of Gunnarsson as allegedly satisfy the feature, “managing, by the second network element, the transport quality of service according to said at least one parameter for transport quality of service management for uplink transmission over an Iub interface between a controlling radio network controller and a Node B,” and “wherein said second network element is a node B or a base station,” as recited in claim 1.

Applicants submit that the uplink that is being discussed in the cited portion of Gunnarsson is the uplink in each cell - that is, the uplink between a mobile station and the base station. Claim 1 specifically refers to the management of the transport quality of service according to said at least one parameter for transport quality of service management for uplink transmission over an IUB interface between a controlling radio network controller and a node B. This is clearly different from the uplink between a

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mobile station and a base station. Therefore, Applicants submit that the applied references, alone or in combination do not render claim 1 unpatentable.

Applicants maintain that independent claims 20 and 31 are patentable at least based on reasons analogous to those set forth above with respect to claim 1.

Dependent claims 10-16, 21-22 and 32-36 are patentable at least by virtue of their respective dependencies from independent claims 1, 20 and 31, respectively.

Allowable Subject Matter

Applicants thank the Examiner for indicating that claims 17-19 contain allowable subject matter.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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CUSTOMER NUMBER

Date: November 10, 2011